



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED MINUTES

City Hall Chambers, 625 Center Street, Oregon City
Wednesday, August 04, 2021 at 7:00 PM

6:00 - EXECUTIVE SESSION:

Executive Session of the City Commission was held beginning at 6:00 PM.

PURSUANT TO ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

7:00 - REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 7:21 PM.

PRESENT: 4 - Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

ABSENT: 1 - Mayor Rachel Lyles Smith

STAFFERS: 13 - City Manager Tony Konkol, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Asst. City Recorder Jakob Wiley, Econ. Dev. Manager James Graham, Library Director Greg Williams, Finance Director Matt Zook, Parks & Rec. Director Kendall Reid, Police Chief Jim Band, City Attorney Bill Kabeiseman, Project Engineer Patty Nelson, and Tourism Coordinator Matthew Weintraub

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

There were no ceremonies and proclamations.

4. CITIZEN COMMENTS

Tom Geil, resident of Oregon City, expressed concerns that developers were provided notice of changes to the City Code prior to adoption.

Karla Laws, resident of Oregon City, expressed concern about a development in the Mountain View area without adequate notice to the neighborhood. Some members of the community have limited access to the Internet/electronic devices in order to view electronic notices.

Dorothy Dahlsrud, resident of Oregon City, discussed an effort to preserve historic stone wall materials at a redevelopment location for use by the City that are difficult to replace. She also thanked several groups for her nomination and selection as the Oregon State Heritage Tree Hero of the Year.

Frank O'Donnell, resident of Oregon City, discussed some concerns with notice provided to applicants related to the new Geologic Hazard Code amendment adoption, complaints about staff's handling of the 120-day rule for land use approvals, and the lapse of the dredge permit for the outlet of Clackamette Cove.

5. PRESENTATIONS

There were no presentations.

6. ADOPTION OF THE AGENDA

Commissioner McGriff and Commissioner Smith requested Item 7a and Item 7b be removed from the consent agenda. These items were renumbered as 9h and 9i respectively and the agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to adopt the consent agenda Item 7c. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 7c. Minutes of the July 7, 2021 Regular Meeting

8. PUBLIC HEARINGS

- 8a. Resolution No. 21-42, Calling for an Election to Authorize Borrowing Funds for Water System Improvements to the Electors of Oregon City

Commission President Smith opened the public hearing. Kattie Riggs, City Recorder, referenced public comment that had been received since the last public hearing on July 21, 2021.

Patty Nelson, Senior Special Project Engineer, presented the staff report regarding the ballot measure and the proposed language. Water rates and water system development charges (SDCs) support the City's capital improvement plan (CIP) which is developed from the City's Water Master Plan. The City amended the 2012 Water Distribution System Master Plan to include the updated list of needed capital projects. The City must update water rates and water system development charges (SDCs) to support that plan. In preparation for the November 2021 ballot measure, the City entered into an agreement with Barney & Worth, Inc (BW) in May 2021 for professional services to assist with community engagement. BW has completed their opinion research which informed the ballot measure language and community engagement strategy. The ballot measures are now being brought forward for approval through adoption of the resolution.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to close the public hearing. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

Commission President Smith closed the public hearing.

Commissioner O'Donnell questioned why the increase allowed for a total of 6 percent rather than only the 4 percent required, which is only 1 percent higher than the City Charter limit. There was discussion of

whether to remove the sentence referencing that the loans would reduce the possible need to raise rates up to 3% over the City Charter limit of 3% to reduce confusion.

Ms. Nelson clarified that the intent of the sentence was to link the two ballot measures. The Commissioners discussed replacing this sentence with a reference to Resolution No. 21-43 explicitly. Ms. Riggs noted that the ballot language could not be updated so the reference to the other ballot measure resolution number would not be meaningful to voters without additional research.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-42, Calling for an Election to Authorize Borrowing Funds for Water System Improvements to the Electors of Oregon City. The motion carried by the following vote:

Yea: 3 - Commissioner Marl, Commissioner McGriff, and Commissioner Smith, Jr.

Abstaining: 1 - Commissioner O'Donnell

- 8b. Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City

Commission President Smith opened the public hearing.

Ms. Nelson presented the staff report. A Water Rate and SDC Study was completed by FCS Group in 2019 with results presented to the City Commission in October 2019 and again in July 2020. The report identifies the need to exceed the 3% limit set by the City Charter for a rate increase; therefore, voter approval is needed.

William Gifford, resident of Oregon City, commented on the current water rate/borrowing process and he felt there would need to be substantial outreach work done in order to gain public support for the ballot measures.

Craig Danielson, resident of Oregon City, provided written comment on SDC's and base rates and Commissioner McGriff led discussion on Mr. Danielson's comments with clarifications by Ms. Nelson and Mr. Konkol.

Commission President Smith closed the public hearing.

The Commissioners had discussion on the potential water rate increase if the ballot measure passed and the impacts to existing infrastructure.

Ms. Nelson commented on the steps that have been taken to apply for the Water Infrastructure Finance and Innovation Act (WIFIA) loan interest program in anticipation of the ballot measure passing in order to secure funding. Ms. Nelson clarified that the rate increase will be determined after the ballot measure, so the final increase will have its own discussion if the ballot measure is approved.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

9. GENERAL BUSINESS

- 9a. Finalists for Municipal Judge Appointment: Amy Lindgren and Kimberly Graves

Tony Konkol, City Manager, provided the staff report. ORS 221.140 authorizes cities to appoint, remove, and assign such powers to a municipal court judge as the city council provides. Chapter II, Section 11 of the Oregon City Charter requires that the Municipal Court Judge be appointed by the City Commission. ORS 192.660(7)(d)(C) requires an opportunity for the public to provide comment on the employment of City officers.

There were no public comments.

Commissioner O'Donnell expressed concerns with allowing comment during the hiring process, and he preferred that public comment be in writing. Bill Kabeiseman, City Attorney, and Mr. Konkol clarified that it was a legal requirement and had been the common practice in the City with other appointments of public officials.

9b. Personal Services Agreement with Inflow Communications, Inc. for the Oregon City Operations Center Phone System and Service (CI 18-009)

Mr. Konkol provided the staff report. Due to changes during the procurement process, it became clear that City Commission approval would be required for the contract which was not originally known at the time of execution. Staff sought approval for the contract retroactively to ensure that the proper process had been accomplished.

Commissioner O'Donnell asked what had caused the change. Mr. Konkol indicated that the original procurement process included only the hardware which would have been within his signing authority. An addendum was added later that increased the value over the limit, but it had been treated as a separate procurement. Upon review, it became clear that the combination of contracts should have been treated as a single contract under procurement rules, requiring City Commission approval.

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to approve the Personal Services Agreement with Inflow Communications, Inc. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

9c. Resolution No. 21-02, Adopting Updated City of Oregon City Public Works Sanitary Sewer Design Standards

John Lewis, Public Works Director, presented the staff report. Revisions to the Sanitary Sewer Design Standards were made to the previously adopted July 17, 2019 standards to add standards needed for implementation of the inflow/infiltration program and to provide clarification and flexibility to drop manhole and service lateral design and construction.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve Resolution No. 21-02, Adopting Updated City of Oregon City Public Works Sanitary Sewer Design Standards. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

9d. Resolution No. 21-41, Adopting a Community Vision Statement for 2040

Laura Terway, Community Development Director, discussed the community vision statement and the process of outreach with the public leading to the current statement. Oregon City has spent the past year seeking input from the community about the future of Oregon City. The Comprehensive Plan Update (OC 2040) project has used the robust community input to craft a draft Community Vision Statement which

describes Oregon City in 2040. The Community Vision Statement will inform the Comprehensive Plan Update goals and policies which will work to implement the vision. The City Commission and Planning Commission reviewed the draft Community Vision Statement for 2040 prior to public review. Since that time, additional feedback has been gathered and the draft Vision Statement has been altered with assistance from the Project Advisory Team and finalized with final guidance from the City Commission and Planning Commission at a joint work session.

Commissioner McGriff commented her approval of the work that had been done on the vision statement and felt the process accomplished a high level of public input.

Commissioner Smith commented he supported the work that has been done but would have liked to have seen a much broader vision.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve Resolution No. 21-41, Adopting a Community Vision Statement for 2040. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9e. Second Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

Ms. Terway provided the staff report. The amendment establishes a Public Art Mural Program and provides criteria for evaluation of proposed art mural installations.

Commissioner Rocky Smith commented regarding the language related to access to the mural and how the current code could be confusing for rooftop murals. There was discussion of how to modify the language. There was consensus to add "visually" in front of "accessible" to add clarity.

Bill Kabeiseman, City Attorney, clarified that such a change will require the entire section be read into the record under the City Charter. The consensus was to continue with the changes and ask Mr. Kabeiseman to read the amended section into the record. Mr. Kabeiseman agreed and proceeded to read the entire section proposed for revision into the record after the motion, including the word "visually" in front of "accessible."

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the second reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program, adding the word "visually" in front of "accessible." The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9f. Resolution No. 21-44, Adopting an Historic Review Board Policy for Public Art Murals

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve Resolution No. 21-44, Adopting an Historic Review Board Policy for Public Art Murals. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9g. Resolution No. 21-45, Establishing a Schedule of Fees for the Oregon City Public Art

Mural Program

James Graham, Economic Development Manager, introduced Matt Weintraub, Tourism Program Specialist, to provide the staff report. A change had been made to the exhibits to the resolution subsequently to posting the agenda packet that lowered the fees and clarified the explanatory document. A new exhibit had been provided to the City Commission prior to the meeting for consideration that provided different values for the fees. The original fee was \$1,541.00 and the corrected fee was \$250.00.

Commissioner McGriff expressed concerns with adjusting the fees based on inflation for appeals. The Commission discussed removing Section 2 in the proposed resolution to eliminate the adjustment for both the application and appeal fees, concluding that it would be simpler to eliminate it from both rather than a single fee and not the other. Mr. Kabeiseman clarified that Section 3 would become Section 2 if the change were adopted.

Motion made by Commissioner McGriff, seconded by Commissioner Smith Jr., to approve Resolution 21-45, amended to delete Section 2 to not adjust the fees for inflation, and renumbering the sections as appropriate. The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

9h. Removal of Tree Adjacent to 419 5th Street

Commissioner McGriff discussed the changes and suggested keeping the driveway aprons separated. There are no other street trees on this street.

Commissioner Smith asked if the change order includes the driveways and sidewalk, since it appears that the item is related to Item 9i., CL 20-011. Mr. Lewis indicated the sidewalk is included. Commissioner Smith felt there should be a tree planted and two separate driveways. Commissioner Smith asked if the entire street is being resurfaced or just the area by the tree.

Josh Wheeler, Assistant City Engineer, provided clarification and an agreement with the two property owners on the driveways and tree replacement had been reached prior to the meeting. Mr. Wheeler described that the tree had grown into the street, requiring replacement of the curb, which in turn required the replacement of the sidewalk. The street work that precipitated the item is related to a water main replacement. Mr. Wheeler had a discussion with the landowner, and they agreed to keep the parking aprons separate and replace the tree.

Mr. Lewis provided information about the issues with reuse of the wood and locating individuals that can use the wood. Mr. Lewis also provided clarification on the curb replacement. Mr. Lewis also noted that a crepe myrtle tree had been suggested for the location for replacing the cherry tree.

Commissioner Smith expressed concerns with how the situation was handled and that the staff report had not been updated prior to the meeting. Commissioner McGriff commented on Commissioner Smith's concerns and thanked staff for contacting the adjacent landowners on short notice and seeking options to replace the tree and keep the driveways separated rather than eliminate the tree planting strip. Commissioner McGriff suggested creating a new City gavel for use at the Libke Public Safety Facility's Commission Chambers using the wood from the cherry tree.

9i. Change Order No. 1 for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)

The Commission discussed passing both Items 9h and Item 9i in a single motion.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Item 9h, the removal of the cherry street tree at 416 5th Street, but require a replacement tree, and keep the driveway aprons separated, and Item 9i, Change Order No. 1 for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011). The motion carried by the following vote:

Yea: 4 - Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

10. COMMUNICATIONS

11. City Manager

There was no City Manager's report.

12. Commissioners

Commissioner McGriff discussed the replacement of stone walls in the McLoughlin neighborhood and thanked staff for their assistance with the outreach regarding the cherry tree and developing a plan to replace it. Commissioner McGriff was excited to see multiple applicants for the revived Arts Commission.

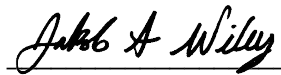
13. Mayor

There was no Mayor's report.

14. ADJOURNMENT

Commissioner President Smith adjourned the meeting at 9:45 PM.

Respectfully submitted,

 for

Kattie Riggs, City Recorder